IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.2158 OF 2006

Regional Director,
E.S.I.C. ...Appellant

vs.

M/s.D.V.Bandgi and ors. ...Respondents

Mr.Mr.H.V.Mehta h/f Mr.Suresh Kumar for the Appellant
Mr.G.S.Godbole for the Respondents.

CORAM: A.S.OKA,J.
DATE : FEBRUARY 8,2007.

P.C.:

1. This Appeal is preferred under section 82 of the Employees' State Insurance Act,1948. By the impugned order, an Application filed by the Respondent under section 75 of the said Act of 1948 has been allowed. The learned Trial Judge waived the amount to be deposited under sub section 2(B) of section 75 of the said Act of 1948. By the said order, interim relief has been granted staying operation of the order dated 27th March 2001 passed by the Appellant-Corporation.

2. This appeal is preferred under section 82 of the said Act of 1948. The Appeal lies to this Court only if it involves a substantial question of law. So far as the order of waiver is concerned, it is purely a procedural order which does not decide the rights between the parties. Therefore, the Appeal cannot be entertained. Apart from that, the learned Trial

Judge has given reasons for exercising discretion under proviso to sub section 2 (B) of section 75 of the said Act of 1948.

3. The order granting interim relief is purely a discretionary order. No substantial question of law arises. Appeal is accordingly dismissed. However, hearing of the Application (ESI) No. 3/2001 is expedited and the same shall be disposed of within a period of six months from today.

4. All contentions of the parties are kept open.

JUDGE